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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE DISTRICT OF ARIZONA**  
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8 Arizona Broadcasters Association, *et al.*,

9 Plaintiffs,

10 v.

11 Mark Brnovich, *et al.*,

12 Defendants.  
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No. CV-22-01431-PHX-JJT

**ORDER**

14 At the status hearing in this matter on October 20, 2022, the Court and the parties  
15 discussed the issue of whether the matter would proceed on a motion for judgment on the  
16 pleadings pursuant to Fed. R. Civ. P. 12(c) as to any or all Defendants, and the Court  
17 expressed its reservation that such a course was impermissible when there were no  
18 pleadings from any Defendants at that point. The Court resolved to allow the Defendants a  
19 brief window—until October 24—to either file respective Answers or not, and thereafter  
20 if no answer had been filed as to a specific Defendant, Plaintiffs would file for default and  
21 then move for default judgment as to that Defendant, with the Court’s express conclusion  
22 that in such circumstance, a default would be taken not due to any failing of counsel’s  
23 duties of professional responsibility, but rather by election of their clients not to defend.  
24 (Doc. 50; Tr. 10/20/22 at pp. 29-33.) Defendant Brnovich elected to file an Answer by  
25 October 24, 2022, and Defendants Mitchell and Penzone elected, as their counsel had  
26 represented at the hearing, not to do so. Thus resolution of this matter will proceed down  
27 two tracks.  
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